

DOCKET NO.: 210231US



IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF

Veronique GUILLOU et al. : EXAMINER: YU, G.

SERIAL NO: 09/901,907 :

FILED: JULY 11, 2001 : GROUP ART UNIT: 1619

FOR: A TOPICAL CLEANSING COMPOSITION

DECLARATION UNDER 37 C.F.R. 1.132

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

SIR:

I, Laurence Sebillotte-Arnould, hereby declare:

1. I am employed by L'ORÉAL as an engineer and have experience in the field of preparing and analyzing cosmetic and/or dermatological compositions.
2. I am familiar with the specification of the above-identified patent application.
3. The following observations and experiments were carried out by me or under my direct supervision and control.
4. A comparative composition similar to example 1 in the present application (see, pages 15-16 of the present application) was prepared. This composition was identical to example 1 except that it contained 6.5% sodium lauryl ether sulfate (TEXAPON AOS 225 UP® from Cognis) instead of 6.5% lauryl phosphate. Thus, the comparative example did not contain a phosphate surfactant, whereas example 1 did. Moreover, unlike example 1, the comparative example did not contain potassium hydroxide. Potassium hydroxide was excluded from the comparative example because it was not needed to neutralize sodium lauryl ether sulfate because this compound already contains alkali ion (sodium). Finally,

unlike example 1, the comparative example did not contain hydroxypropylcellulose.

Hydroxypropylcellulose is not cationic, and its presence or absence does not materially affect the claimed compositions.

5. The sensory criteria (see, pages 17-18 of the present application) for the comparative composition were determined. These criteria, as well as the previously-obtained sensory criteria for example 1, are set forth in the following table

Sensory criteria	Example 1 of the invention	Comparative example
Foam volume	5.1	5.7
Size of the bubbles	3.5	4.7
Density of the foam	8.4	6.8
Softness of the foam	8.8	8.3
Rinsing	8.6	8.2

Among other differences, example 1 has significantly smaller bubble size than the comparative composition (the comparative composition has bubbles which are approximately 33% larger than example 1's bubbles according to the grading system set forth in the present application) and has significantly more dense foam than the comparative example (example 1's foam is approximately 23.5% more dense than the comparative composition's foam according to the grading system set forth in the present application).

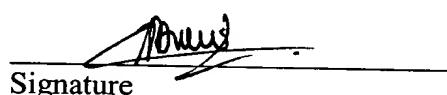
6. Smaller bubble size and higher foam density are desirable physical properties for cleansing compositions because such properties lead to cleansing compositions having more commercially desirable characteristics such as, for example, better staying power and foam consistency. Example 1's smaller bubble size and higher foam density provide this composition (which contains a phosphate surfactant) with more commercially desirable

characteristics than the comparative composition (which does not contain a phosphate surfactant). This difference in bubble size and foam density was unexpected and surprising, and demonstrates that cleansing compositions containing a surfactant component consisting essentially of at least one phosphate surfactant and at least one foaming non-ionic surfactant, and at least one cationic polymer devoid of saccharide groups in an aqueous medium possess unexpectedly beneficial and commercially desirable properties than compositions which do not contain a phosphate surfactant.

7. The undersigned petitioner declares further that all statements made herein of her own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this application or any patent issuing thereon.

8. Further deponent sayeth not.

Laurence Schillotto - Arnaud
Name


Signature

27 novembre 2003
Date